

## APPENDIX

Reports of Committee on  
Enrolled BillsAustin, Texas,  
May 18, 1939.Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 206 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 17, 1939.Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 464 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

## SEVENTY-SECOND DAY

(Friday, May 19, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Martin Redditt

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leave of Absence Granted

Senator Redditt was granted leave of absence for today, on account of important business, on motion of Senator Pace.

## Senate Bill on First Reading

The following bill was introduced, read first time, and referred to the committee indicated:

By Senator Moffett:

S. B. No. 469, A bill to be entitled "An Act creating a Special Road Law for Hardeman County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of May 1, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants, or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners Court and of the county officials of said County in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

## House Concurrent Resolution 150

The following resolution, previously received from the House, was laid before the Senate, read first time, and referred to the committee indicated:

H. C. R. No. 150, to the Committee on Highways and Motor Traffic.

**House Concurrent Resolution 146**

The President laid before the Senate for consideration at this time (the Senate heretofore having agreed to act on the resolution without its being referred to, and reported from, a committee):

H. C. R. No. 146, To provide for certain corrections in H. B. No. 9.

**Points of Order**

Senator Spears raised a point of order against consideration of the resolution at this time on the ground that, under Senate Rules 11a and 12 and Joint Rule 20, the only business in order at this time is the further consideration of H. B. No. 688, which was pending as a special order when the Senate adjourned on yesterday (Thursday, May 18, 1939).

The President overruled the point of order and held that, under Senate Rule 11 and Joint Rule 20 as now written, when the Senate adjourns on Thursday of any week, with a House bill pending, the bill then pending, whether it is a special order or not, may not be further considered until Wednesday of the next succeeding week, unless the Senate, by a two-thirds vote, agrees to consider it further prior to that day.

Senator Burns raised a point of order against further consideration of the resolution at this time, on the ground that the hour has arrived for the further consideration of S. B. No. 19, the further consideration of which was heretofore postponed to 10:30 o'clock a. m., today.

The President sustained the point of order.

**Senate Bill 19 on Final Passage**

The President laid before the Senate on its final passage (the bill having been read third time on April 13, 1939, and its further consideration having been postponed on May 15, 1939, until 10:30 o'clock a. m., today):

S. B. No. 19, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called

Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, providing a method of appointment thereto and authorizing recess appointment; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons; providing for one reprieve of not more than thirty (30) days in any capital case, empowering the Governor to revoke paroles and other forms of clemency; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations, and empowering them to employ a secretary, a state parole supervisor and other employees; providing for the organization of the Board; providing that the chairman shall be elected by the Board; providing for removal of Board members for cause; providing for the maintenance of offices and location of same; etc., and declaring an emergency."

Question—Shall the bill be passed?

**House Bill 1046 on Second Reading**

Senator Pace moved that the regular order of business be suspended, to permit consideration of H. B. No. 1046 at this time.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Pace
Collie	Shivers
Cotten	Stone
Hardin	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Van Zandt
Lanning	Weinert
Lemens	Winfield

**Nays—4**

Graves	Spears
Small	Sulak

**Absent**

Head	Roberts
Nelson	

**Absent—Excused**

Martin	Redditt
--------	---------

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1046, A bill to be entitled "An Act to validate and confirm certain actions and proceedings of the Texas Old Age Assistance Commission and the Governor, Comptroller, and Treasurer of the State of Texas, with respect to the authorization and issuance of warrants for old age assistance under Section 5-b of Article 3 of the Constitution and contracting for the payment of interest on warrants purchased and cashed for the recipients at the request of the Commission and to the authorization and execution of interest-bearing State of Texas Treasury certificates to be issued in exchange for warrants so purchased and to validate and confirm such warrants and certificates as a prior charge on the Texas Old Age Assistance Fund, to validate the appropriation therefor and to make other provisions relating thereto, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1046 on Third Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1046 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Pace
Collie	Shivers
Cotten	Small
Graves	Stone
Hardin	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Van Zandt
Lanning	Weinert
Lemens	Winfield

#### Absent

Head	Spears
Nelson	Sulak
Roberts	

#### Absent—Excused

Martin	Redditt
--------	---------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—27

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Stone
Hardin	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Metcalf	Winfield
Moffett	

#### Absent

Head	Spears
------	--------

#### Absent—Excused

Martin	Redditt
--------	---------

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,

Austin, Texas,  
May 18, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 149, Extending an invitation to the President and his party to visit Texas while he is en route to the West Coast.

H. C. R. No. 153, Recalling H. B. No. 1080.

The House has adopted the Conference Committee Report on S. J. R. No. 4 by a vote of 123 ayes and 0 noes.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

**Senate Bills on First Reading**

Senator Stone of Washington moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

**Yeas—27**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Stone
Hardin	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Metcalf	Winfield
Moffett	

**Absent**

Head                      Spears

**Absent—Excused**

Martin                      Redditt

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Stone of Washington:

S. B. No. 470, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which, according to the then latest Federal Census, had a population of not fewer than seventeen hundred twenty-one (1,721) and not more than seventeen hundred fifty-one (1,751) inhabitants, fixing the maximum tax rate which may be levied for bond sinking fund purposes; providing that no tax shall be levied or collected in such districts until such tax shall have been authorized by a majority vote of the qualified voters of such districts cast at an election held for such purpose; repealing all laws in conflict herewith and declaring an emergency."

Referred to Committee on Education.

**Report of Conference Committee on Committee Substitute for Senate Bill 9**

Senator Hardin moved that the report of the conference committee on C. S. for S. B. No. 9, submitted on May 17, 1939, and printed in the Journal of that day, be adopted.

The President laid the report before Senate.

Question—Shall the report be adopted?

**Reports of Standing Committees**

Senator Hardin, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,  
May 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 469, by Moffett, A bill to be entitled "An Act creating a Special Road Law for Hardeman County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of May 1, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants, or funding warrants, may be included in such funding bonds; validating all acts of the Commissioners Court and of the county officials of said County in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purposes of this Act; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Senator Spears, by unanimous consent, submitted at this time the fol-

lowing report of the Committee on Labor:

Austin, Texas,  
May 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 115, A bill to be entitled "An Act declaring it unlawful for any prisoner charged with or convicted of felony and confined in any jail or prison or public training school, reformatory, county hospital, industrial farm or road camp or engaged in any county road or other county work or in the lawful custody of any officer or person to escape or attempt to escape; etc., and declaring an emergency,"

Have had the same under consideration, and beg to report to the Senate that it do pass and be printed.

SPEARS, Chairman.

#### Senate Bill 111 with House Amendments

Senator Stone of Washington called S. B. No. 111 from the President's table for consideration at this time of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Stone of Washington moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### Senate Bills on First Reading

Senator Head moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hardin
Beck	Head
Brownlee	Isbell
Burns	Kelley
Graves	Lanning

Lemens  
Metcalf  
Moffett  
Moore  
Nelson  
Pace  
Roberts  
Shivers  
Small

Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

Nays—3

Collie  
Cotten

Hill

Absent—Excused

Martin

Redditt

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Head:

S. B. No. 471, A bill to be entitled "An Act requiring the Board of Regents of The University of Texas to levy Student Union Fees; providing for the collection thereof; providing for the control of the money obtained from said fees; and declaring an emergency."

Referred to Committee on State Affairs.

Senator Shivers moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing two bills at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin  
Beck  
Brownlee  
Burns  
Cotten  
Graves  
Hardin  
Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Metcalf  
Moffett

Moore  
Nelson  
Pace  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

Nays—1

Collie

Absent—Excused

Martin

Redditt

The following bills then were introduced, read first time, and referred to the committees indicated:

By Senator Shivers:

S. B. No. 472, A bill to be entitled "An Act validating and approving all proceedings had by cities and towns in amending their corporate charters so as to eliminate any requirements in said charter that any portion of the annual ad valorem tax levied in said city or town shall be provided for or set apart for the use of the Public Free Schools in said city or town, provided this Act shall only apply to cities and towns acting under a home rule charter and which charter sought to be amended provides that a portion of the annual ad valorem taxes levied shall be set apart for the use of the Public Free Schools; and further provided that this Act shall not apply to such cities and towns unless such amendment to the charter was voted during the year 1938 and prior to the voting of said amendment the control of the Public Free Schools in such cities and towns had been separated from the jurisdiction of said cities and towns and such Public Free Schools were being operated under the control and jurisdiction of an independent school district, nor shall this Act be effective as to any city or town which did not during the year 1938 and prior to the voting of said charter amendment hold an election at which a majority of the votes cast authorized the issuance by said city or town of bonds to secure funds for making public improvements nor to any city or town in which the assessed value of property for the purposes of taxation as shown by the tax rolls of said city or town for the year 1938 was less than \$6,780,000 or more than \$6,850,000, and repealing Senate Bill No. 439, Acts of the Regular Session of the Forty-sixth Legislature; and further provided this Act shall not apply to any such proceedings the validity of which has been contested or attacked in any pending suit or litigation, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Shivers:

S. B. No. 473, A bill to be entitled "An Act providing that taxes levied by other entities under and by virtue

of Article 3, Section 52 of the Constitution shall never be reckoned in determining the power of any city or town to levy taxes; providing that in the event of conflict between this Act and any provisions of a city charter or of a special law constituting a charter of a city the provisions of this Act shall prevail; and declaring an emergency."

Referred to Committee on Towns and City Corporations.

Senator Stone of Galveston moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Metcalf	Winfield
Moffett	

#### Absent—Excused

Martin                      Redditt

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Stone of Galveston:

S. B. No. 474, A bill to be entitled "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session, as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, as amended by Chapter 284, Acts of the Forty-fifth Legislature, Regular Session, as amended by Chapter 391, Acts of the Forty-fifth Legislature, Regular Session, by providing

that in counties with a taxable valuation of not less than Fifty-one Million Dollars (\$51,000,000) nor more than Fifty-two Million Dollars (\$52,000,000) taxable valuation for county purposes according to the valuation as shown on the County Tax Assessor-Collector's rolls for the current year of 1938, the Justices of the Peace and Constables shall be allowed to retain out of the fees collected by such officers the sum of Thirty-six Hundred Dollars (\$3,600.00) per annum; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

#### **Senate Bill 413 with House Amendments**

Senator Kelley called S. B. No. 413 from the President's table for consideration at this time of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Kelley moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Kelley, Martin, Stone of Galveston, Winfield and Metcalfe.

#### **Motion to Pass Senate Bill 54 Over Governor's Veto**

Senator Metcalfe moved that S. B. No. 54, returned to the Senate yesterday by the Governor, be passed notwithstanding the objections of the Governor thereto, and he asked to have the motion spread upon the Journal.

#### **Recess**

Senator Weinert moved that the Senate recess to 2:00 o'clock p. m. today.

The motion prevailed; and the Senate, accordingly, at 12:08 o'clock p. m., took recess to 2:00 o'clock p. m. today.

#### **Afternoon Session**

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

#### **Leave of Absence Granted**

Senator Winfield was granted leave of absence for the remainder of today, on account of important business, on motion of Senator Moffett.

#### **House Bill 52 Set as Special Order**

Senator Kelley moved that H. B. No. 52 be set as a special order for Monday, May 22, 1939, immediately after conclusion of the morning call on that day.

The motion prevailed unanimously.

#### **Senate Concurrent Resolution 55**

By unanimous consent, Senator Burns offered the following resolution at this time:

Whereas, Doctor Harry F. Estill, at this time President Emeritus of the Sam Houston State Teachers College at Huntsville, Texas, has served with marked distinction and complete efficiency the educational interests of Texas for more than half a century, as follows:

As Professor of Latin (succeeding his own father, Doctor Charles P. Estill, a well known educator from Virginia) in the Sam Houston Normal Institute, the first teacher training institution in Texas, from 1882 to 1908; as Vice President of that institution for a few years preceding the Spring of 1908, when he became acting President; as President of the Sam Houston Normal Institute, and its successor, the Sam Houston State Teachers College, from 1908 until the close of the Summer session in 1937; as President Emeritus of that great college from 1937 until the present time; and,

Whereas, He has made a valuable contribution to the historical writings of the United States as co-author of a most useful textbook on American history, and which has been used in the public schools of Texas and other States for many years; and,

Whereas, During all of these years he has left an indelible impress upon the youth of Texas who were fortunate enough to come within the sphere of his influence, rendering each of these young folks a much

better and more useful citizen of our beloved State; and,

Whereas, It is the desire of the members of the Legislature of Texas to express their appreciation of his fine work for the betterment of Texas during his lifetime; now, therefore, be it

Resolved, That the Senate of the Forty-sixth Legislature of the State of Texas, the House of Representatives concurring, expresses its deep sense of appreciation of this life of usefulness of Doctor Estill and of his contribution to the educational advancement of our beloved State, and that the Legislature wishes him many more years of happiness and contentment as he continues to influence the youth of our State; and, be it further

Resolved, That this Resolution be printed in the Journal and a copy sent to him at his residence in Huntsville, Texas.

BURNS,  
MOORE,  
HILL.

The resolution was read; and on motion of Senator Burns, and by unanimous consent, it was considered at this time and was adopted.

#### Senate Bill 469 on Second Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 469 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert

#### Absent—Excused

Martin	Winfield
Redditt	

On motion of Senator Moffett and by unanimous consent, Senate Rule 48 was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 469 at this time.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 469 on Third Reading

The President then laid S. B. No. 469 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert

#### Absent—Excused

Martin	Winfield
Redditt	

#### House Concurrent Resolution 124

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 124 at this time.

The President then laid before the Senate:

H. C. R. No. 124, Granting District Judge O. L. Parish leave of absence from the State.

The resolution was read and was adopted.

#### House Concurrent Resolution 149

The following resolution, received from the House today, was laid before the Senate:



H. C. R. No. 149, Extending an invitation to the President of the United States to visit Texas.

The resolution was read; and on motion of Senator Collie and by unanimous consent, it was considered immediately.

The resolution was adopted.

**Conference Committee on Senate Bill 111**

The President announced the appointment of the following conferees on S. B. No. 111 on the part of the Senate: Senators Stone of Washington, Sulak, Moffett, Aikin and Weinert.

**Conference Committee Report on Committee Substitute for Senate Bill 9**

The Senate resumed consideration of the report of the conference committee on C. S. for S. B. No. 9.

Question—Shall the report be adopted?

(Senator Van Zandt in the Chair.)

The report was adopted by the following vote:

**Yeas—21**

Aikin	Lanning
Beck	Lemens
Brownlee	Metcalf
Burns	Moffett
Collie	Pace
Cotten	Shivers
Graves	Spears
Hardin	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Van Zandt

**Nays—6**

Head	Small
Moore	Stone
Nelson	of Washington
Roberts	

**Absent—Excused**

Martin	Weinert
Redditt	Winfield

**Messages from the Governor**

The Presiding Officer laid before the Senate, and had read, the following messages:

Austin, Texas,  
May 18, 1939.

To the Members of the Senate of the Forty-Sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Directors of the Upper Guadalupe River Authority of Kerr County, Texas:

(Term expiring January 1, 1945):

Dent Taylor of Kerrville,  
L. H. Webb of Kerrville,  
L. T. Davis of Kerrville;

(Term expiring January 1, 1943):

W. Scott Schreiner of Kerrville,  
Tom Finlon of Hunt;

(Term expiring January 1, 1941):

W. B. Leigh of Center Point,  
W. A. Fawcett of Kerrville.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
May 17, 1939.

To the Members of the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Branch Pilot for the Sabine Bar, Pass and Tributaries (term beginning May 15, 1939):

Carl M. Bancroft of Jefferson County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
May 18, 1939.

To the Members of the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Directors of the Upper Red River Flood Control and Irrigation District (term beginning July 3, 1939):

Dr. Roy E. Barr of Childress, Childress County;

E. G. Rice of Quitaque, Biscoe County;

O. E. Beavers of Memphis, Hall County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

The messages were referred to the Committee on Nominations of the Governor.

### Night Session to Consider Local Bills

Senator Lemens moved that the Senate hold a session next Wednesday at 8:00 o'clock p. m., to consider local and non-contested bills.

The motion prevailed.

### Senate Bill 470 on Second Reading

Senator Stone of Washington moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 470 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	

#### Absent—Excused

Martin	Weinert
Redditt	Winfield

On motion of Senator Stone of Washington and by unanimous consent, Senate rule 48 was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 470 at this time.

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Small offered the following amendment to the bill:

Amend S. B. No. 470 by adding the following after the word "inhabitants" in Section 1, line 4, to-wit: "and in all independent school dis-

tricts having territory located in as many as three counties and containing a county seat town with a population of not less than 4,200 and not more than 4,275 as shown by the last preceding or any future Federal Census."

The amendment was adopted.

The bill was passed to engrossment.

### Senate Bill 470 on Third Reading

The Presiding Officer then laid S. B. No. 470 before the Senate on its third reading and final passage:

The bill was read third time and was passed by the following vote:

#### Yeas—27

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	

#### Absent—Excused

Martin	Weinert
Redditt	Winfield

### House Bill 1018 on Second Reading

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1018 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 1018, A bill to be entitled "An Act regulating the use of boats upon the waters of Caddo Lake; prescribing who shall enforce the law; prescribing the penalty for violation of said law, and declaring an emergency."

The bill was read second time.

Senator Hill offered the following amendment to the bill:

Amend the bill by striking out all before and all after the enacting clause and inserting in lieu thereof the following:

A BILL  
TO BE ENTITLED

An Act declaring the legislative policy; designating the waters of Caddo Lake in Marion and Harrison Counties as a part of the public fresh waters of this State and suited for the preservation, protection and propagation of game and fish; regulating and restricting the operation and use of motor boats and water craft on said Caddo Lake; regulating and prohibiting the use and discharge of firearms on said Caddo Lake; making it a misdemeanor and providing a penalty for a violation of certain provisions of the Act; providing certain exemptions from the provisions of the Act; prescribing the powers and duties of peace officers and game wardens in the enforcement of the Act; limiting the provisions of the Act to Marion and Harrison Counties only, and fixing venue of prosecutions under this Act in either of said Counties; providing a savings clause; and declaring an emergency."

Section 1. Declaration of Legislative Policy. The waters of Caddo Lake, in, upon and along the Counties of Marion and Harrison, are hereby declared to be a part of the public fresh waters of this State, suited and adapted to the preservation, protection and propagation of game and fish, and this Act is to be construed as in aid of, and for the purpose of aiding in, such preservation, protection and propagation of game and fish in this State.

Sec. 2. It shall be unlawful for any person to drive, operate, ride or be a passenger in any boat, vessel, or water craft on said Caddo Lake while under the influence of intoxicating liquor in any degree.

Sec. 3. It shall be unlawful for any person to drive or to operate any motor craft or self-propelled water craft of any kind upon said Caddo Lake, in a reckless manner, or at a high and dangerous rate of speed, or at a greater speed than ten land miles per hour. The term "reckless manner" shall, in addition to its ordinary significance and meaning, include the operation of a motor boat so as to

interfere with the free and proper use of the waters of said Caddo Lake by other water craft or so as to endanger the life or safety of any person in or upon said waters.

Sec. 4. It shall be unlawful for any person to shoot, fire, or discharge any gun, pistol or firearm in, on, along or across said Caddo Lake.

Sec. 5. The provisions of Section 4 shall not apply to peace officers, game wardens, or representatives of the Game, Fish and Oyster Commission, in the lawful discharge of their official duties, nor during the open season when it is lawful to hunt or to fish upon or in said Caddo Lake.

Sec. 6. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than \$10.00 nor more than \$200.00.

Sec. 7. It shall be the duty of the game wardens and all peace officers to inspect boats or other water craft upon all the waters affected by this Act and to enforce the provisions of this Act; said game wardens and other peace officers may make such inspections without warrant, nor shall any warrant be required for the arrest of any person who violates any of the provisions of this Act, done in the presence of such officers or wardens.

Sec. 8. If any section, sub-section or clause, phrase or sentence of this Act is for any reason held to be unconstitutional such unconstitutionality shall have no effect on the validity of the remaining portions of this Act, and it is hereby declared that this Act shall nevertheless have been passed without such section, sub-section, clause or phrase so declared unconstitutional.

Sec. 9. The provisions of this Act are expressly limited and applicable only to Marion and Harrison Counties, and the venue for prosecutions for the violation of any of the provisions hereof is fixed in said counties, and prosecutions may be brought and maintained in either of said counties without reference to the county in which the offense was actually committed.

Sec. 10. The fact that there is now no law which covers the provisions of this Act creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three

several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 1018 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1018 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	

#### Absent—Excused

Martin	Weinert
Redditt	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—27

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	

#### Absent—Excused

Martin	Weinert
Redditt	Winfield

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
May 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered final passage, amended and then finally passed the following bill:

S. B. No. 121, A bill to be entitled "An Act amending Section 19, subsection h of Senate Bill No. 5, Acts of the Forty-fourth Legislature, Second Called Session, also known as subsection h of Section 19 of Article 3912e, and all amendments to such Act by adding thereto subsection h-2 affecting the appointment and salaries of deputies in the offices of District Clerks in all counties of 250,000 inhabitants and over, and less than 325,000 inhabitants, according to the last preceding Federal census, and in any county of a larger population; providing for the method of such appointments and salaries in such counties by the filing of an application with the district judges of such counties, to be accompanied by the statement of such district clerks; providing for the order and approval by the district judges in such counties of the appointment of such deputies and the salaries to be paid such deputies; providing for the order of the Commissioners' Courts of such counties for the payment of said salaries of such deputies out of certain funds of such counties; providing for the oath to be taken by such deputies; providing for the method of discharge or removal of such deputies, and for the increase or decrease of the number of such deputies; providing for the repeal of all laws in conflict herewith; providing for a saving clause and declaring an emergency."

The House has passed the following resolution:

H. C. R. No. 154, Congratulating Mr. Murray G. Sells and the City of

Gladewater on the Second Annual Gladewater Roundup.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Senate Bill 463 on Second Reading

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 463 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 463, A bill to be entitled "An Act to amend Section 4 of House Bill No. 25, Chapter 24, of the General and Special Laws of the Forty-fifth Legislature, First Called Session, relating to the salary of County Auditors in certain counties; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 463 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 463 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	

#### Absent—Excused

Martin	Weinert
Redditt	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—27

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	

#### Absent—Excused

Martin	Weinert
Redditt	Winfield

#### House Bill 580 Set as a Special Order

Senator Isbell moved that H. B. No. 580 be set as a special order for Monday, May 22, 1939, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

#### Yeas—21

Aikin	Moffett
Beck	Moore
Burns	Pace
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Van Zandt
Metcalf	

#### Nays—5

Brownlee	Nelson
Collie	Sulak
Hill	

#### Absent

Spears

#### Absent—Excused

Martin	Weinert
Redditt	Winfield

**Motions to Adjourn**

Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. Monday, May 22, 1939.

Senator Head moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Cotten, yeas and nays were demanded.

The motion was lost by the following vote:

**Yeas—12**

Beck	Lemens
Burns	Metcalf
Cotten	Moore
Graves	Pace
Isbell	Small
Lanning	Van Zandt

**Nays—13**

Aikin	Roberts
Brownlee	Shivers
Collie	Stone
Head	of Galveston
Hill	Stone
Kelley	of Washington
Moffett	Sulak
Nelson	

**Absent—Excused**

Hardin	Spears
Martin	Weinert
Redditt	Winfield

Question next recurring on the motion of Senator Head, yeas and nays were demanded.

The motion was lost by the following vote:

**Yeas—8**

Collie	Shivers
Head	Stone
Hill	of Galveston
Kelley	Stone
Nelson	of Washington

**Nays—16**

Aikin	Metcalf
Brownlee	Moffett
Burns	Moore
Cotten	Pace
Graves	Roberts
Isbell	Small
Lanning	Sulak
Lemens	Van Zandt

**Absent**

Beck	Spears
------	--------

**Absent—Excused**

Hardin	Weinert
Martin	Winfield
Redditt	

**House Bill 1041 on Second Reading**

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1041 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 1041, A bill to be entitled "An Act providing for Twenty-five (\$25.00) Dollars expenses for County Commissioners in certain counties in this State; providing mode and manner of payment of such expense accounts; making this Act cumulative of all laws and parts of laws now in force in this State, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 1041 on Third Reading**

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1041 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt

**Absent—Excused**

Martin	Weinert
Redditt	Winfield
Spears	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt

## Absent—Excused

Martin	Weinert
Redditt	Winfield
Spears	

**House Bill 1054 on Second Reading**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1054 at this time.

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 1054, A bill to be entitled "An Act providing for the payment of the traveling expenses of the Court Reporter of the 110th Judicial District of Texas, composed of Briscoe, Motley, Dickens and Floyd Counties, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 1054 on Third Reading**

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1054 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Graves	Nelson
Hardin	Pace
Head	Roberts
Hill	Shivers
Isbell	Small
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Metcalf	of Washington
Moffett	Sulak
Moore	Van Zandt

## Absent—Excused

Martin	Weinert
Redditt	Winfield
Spears	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt

## Absent—Excused

Martin	Weinert
Redditt	Winfield
Spears	

**Reports of Standing Committees**

By unanimous consent the following reports were submitted by the chairmen of the committees to which the bills reported were referred:

Austin, Texas,  
May 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1077, by Kennedy, A bill to be entitled "An Act providing for more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and

population figures herein, specifically in all those counties having not less than thirty-four thousand, six hundred (34,600), and not more than thirty-four thousand, seven hundred (34,700), according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the General Law; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir. We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 466, by Nelson, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of Texas, 1925, by adding a new section to be known as Article 2350e, fixing salaries of commissioners in certain counties by permitting Commissioners' Court of such counties to determine such salaries so long as they are not in excess of Eighteen Hundred (\$1,800.00) Dollars per year; fixing manner of payment of such salaries and the funds from which such salaries may be paid; and creating an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
May 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 470 by Stone of Washington, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all Independent School Districts which include within their limits a city or town which, according to the then latest Federal Census, had a population of not fewer than Seventeen

Hundred Twenty-one (1,721) and not more than Seventeen Hundred Fifty-one (1,751) inhabitants, fixing the maximum tax rate which may be levied for bond sinking fund purposes,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

### House Bill No. 363 on Passage to Third Reading

Senator Shivers moved to call from the table, on its passage to third reading (the bill heretofore having been read second time and tabled subject to call):

H. B. No. 363, A bill to be entitled "An Act providing for instruction in Americanism and on the Constitution of the United States in all public and private schools located within this State, providing for supervision by the Superintendent of Public Instruction, providing for compulsory examination of students on Americanism and the Constitution of the United States, fixing a penalty for the willful neglect or failure on the part of the superintendent, principal or teacher to carry out the requirements of this Act and fixing the duty of the Superintendent of Public Instruction in carrying out the provisions hereof."

The motion prevailed by the following vote:

### Yeas—14

Aikin	Moore
Brownlee	Pace
Burns	Roberts
Collie	Shivers
Cotten	Stone
Graves	of Galveston
Head	Van Zandt
Kelley	

### Nays—7

Beck	Moffett
Hill	Small
Isbell	Sulak
Lanning	

### Present—Not Voting

Lemens	Nelson
--------	--------



## Absent

Metcalf

Stone  
of Washington

## Absent—Excused

Hardin  
Martin  
ReddittSpears  
Weinert  
Winfield

The Presiding Officer laid the bill before the Senate on its passage to third reading.

With the (committee) amendment and the following substitute for the (committee) amendment pending:

Amend H. B. No. 363 by striking out all of Section 2 and inserting in lieu thereof a new Section 2, reading as follows:

"Section 2. In all State Universities and State-supported schools, there shall be installed a chair of Americanism, teaching a brief history of the Constitution, parliamentary law and the rise of representative government. The governing boards of the several institutions of higher learning giving courses in government in compliance with this section and/or existing law shall determine the number of hours of such courses to be required for all degrees granted by such institutions, but in no case shall less than three hours be required. The requirements of this section relating to the establishment of a Chair of Americanism shall not apply to State Universities or State-supported schools that are now complying with the law requiring the teaching of the Constitution, and that are teaching parliamentary law."

Senator Lanning offered the following amendment to the substitute:

Amend amendment to H. B. No. 363 by striking out "State-supported schools."

Question—Shall the substitute be adopted?

## Adjournment

Senator Hill moved that the Senate adjourn until 10:00 o'clock a. m., Monday, May 22, 1939.

The motion prevailed; and the Senate, accordingly, at 5:15 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, May 22, 1939.

## Record of Vote

Senator Moore asked to be recorded as voting "nay" on the motion to adjourn.

## APPENDIX

Reports of Committee on  
Engrossed Bills

Austin, Texas,  
May 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 469 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
May 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 463 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

**In Memory of**  
**Judge John P. Simpson**

---

Senator Lanning offered the following resolution:

**Senate Resolution 84**

Whereas, On May 18, 1939, with the passing of Judge John P. Simpson, County Judge of Jack County, Texas has lost one of her outstanding citizens; and

Whereas, Judge Simpson was not only a valuable citizen in his particular section of Texas, but was devoted with equal energy, enthusiasm, and patriotism to questions affecting the welfare of all the people of the State; and

Whereas, The people of Jack County and the State of Texas have sustained a distinct loss in the death of Judge Simpson, to whom so many people turned in times of stress for comfort and dependable counsel because of his understanding nature and tolerant spirit; and

Whereas, He was ever a model and loving husband and father; and

Whereas, He was loyal to his friends and steadfast in his fight for the betterment of humanity; now, therefore, be it

Resolved by the Senate of Texas, That the entire membership thereof join with the bereaved family, and the many citizens of Texas who knew this good man throughout his life, in expressing their sorrow over his passing, and say in tribute to his worthy life that he leaves a lasting impression and a keen recollection of his many useful, kind, and considerate acts during his brief span of life upon all those who had the honor and the good fortune to know him; and be it further

Resolved, That an enrolled copy of this resolution be sent to Mrs. Simpson and family with the condolence of every Member of the Texas Senate.

**LANNING.**

The resolution was read and was adopted unanimously.